IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No. 1782 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 03/11/2004 in WP No. 19503 OF 2004 on the file of the High Court.)

Between:

Sri A. Narasimha, S/o. Late Veera mallaiah,
rep. by his L.R.Kum. Navitha, Minor, Adopted daughter now under the Guardianship of Sri A. Sudarshan R/o. Beeramguda, hamlet of Ameenpur- village Patancheru Mandal, Medak District.

..... APPELLANT

AND

1.A. Krishna, S/o. Narayana, Major,
Beeramguda, Hamlet of Ameenpur Village, Patancheru Mandal,
2.A. nagabhushanam, S/o. Narayana, Major,
Beeramguda, Hamlet of Ameenpur Village, Patancheru Mandal,
3.A. Anjaneyulu, S/o. Beeramguda,
Beeramguda, Hamlet of Ameenpur Village, Patancheru Mandal,
4.A. Krishnaiah, S/o. Ramaiah,
R/o. Nallagandla Village, Srilingampalli Mandal,
5.A. Sudarshan, S/o. Sambaiah,
Beeramguda, Hamlet of Ameenpur Village, Patancheru Mandal,
6.P. Manik Reddy, S/o. Goura Reddy,
Ramchandrapuram, Medak District.
7.Smt. Prameela W/o. Ramachandra Reddy,
Ramchandrapuram Village, Medak District.
8.The Joint Collector, Medak at Sangareddy.
9.The Revenue Divisional Officer, Sangareddy, Medak District.
10.The Mandal Revenue Officer, Patancheru Mandal,

Sangareddy, Medak District.

.....RESPONDENTS

Counsel for the Appellant: Mr.K.RAMAKANTH REDDY

Counsel for Respondent Nos. 1 to 5: None appeared.

Counsel for Respondent Nos. 6 & 7: Smt. K.Bindu

Counsel for Respondent Nos. 8 to 10: G.P. for Revenue.

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

In this Appeal, the order under challenge is of dismissal of the Writ Petition. In the Writ Petition, the appellant questioned the legality and validity of the order passed on 28.9.2004 by the Joint Collector, Medak at Sangareddy. While entertaining the appeal of Respondent Nos. 6 and 7 against the order passed by the Revenue Divisional Officer, dated: 27.8.2004, the Joint Collector stayed the operation of the order of the Revenue Divisional Officer, and, directed maintenance of status quo as on the date of the passing of the order by the Revenue Divisional Officer.

The main grievance of the learned counsel for the appellant is that neither in the appeal nor in the application for stay, respondents have questioned the legality and validity of the Memorandum dated: 17.9.2004, by which possession had already been delivered to the appellant pursuant to the order of Revenue Divisional Officer, and, therefore, the order of the Joint Collector directing status quo to be maintained as on 27.8.2004 is beyond jurisdiction, or, in any case, is without any lawful basis or any foundation.

The submission of the learned counsel for the appellant is totally misconceived

inasmuch as the application for stay filed by Respondents 6 and 7 expressly prayed for suspending the order dated: 27.8.2004 passed by the Revenue Divisional Officer, and, for staying consequential proceedings pending disposal of the appeal, specifically alleging that Respondent No.1 and others in the said appeal were trying to grab the land. Admittedly, Respondents 6 and 7 are not parties to the memo dated: 17.9.2004. Possession, if any, stated to have been obtained by the present appellant is without any protest and for that reason, the Joint Collector in his order clearly stated that proceedings in conducting memo of delivery of possession are contrary to the settled procedure and have to be ignored from consideration, and, for that reason, he concluded that it was a fit case where status quo has to be maintained which existed as on the date of passing of the order of the Revenue Divisional Officer, dated: 27.8.2004. Learned Single Judge also held that the order of the Joint Collector is strictly in tune with the equity and does not suffer from any infirmity, and, we are also of the view that the order of Joint Collector does not require any interference in exercise of writ jurisdiction inasmuch as crops were grown by Respondents 6 and 7, who alone, in view of the order of status quo as on 27.8.2004 have to continue in possession till the matter is heard and decided by the Joint Collector.

A prayer was made by the learned counsel for the appellant that since the Joint Collector has expressed some view, it is a fit case where appeal before the Joint Collector must be heard by some other Presiding Officer. In the Writ Petition, we cannot pass such an order, for which, appellant, if feels aggrieved, can initiate appropriate proceedings in accordance with law. We find no force in this Appeal and the same is dismissed. No costs.

It is needless to add that the Joint Collector hearing the matter will have to consider strictly in accordance with law uninfluenced by the observations made by him in the order passed disposing of the interlocutory application.

DEVINDER GUPTA, C.J.

09.11.2004.

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C.V.RAMULU, J.

VR.

To

1.The Joint Collector, Medak at Sangareddy.
2.The Revenue Divisional Officer, Sangareddy, Medak District.
3.The Mandal Revenue Officer, Patancheru Mandal,
Sangareddy, Medak District.

4. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.